




Application Serial Number	10/817,455
Filing Date	April 1, 2004
First Named Inventor	Davis
Group Art Unit	3736
Examiner Name	Not yet assigned
Attorney Docket No.	DPL-048
Patent No.	Not applicable
Issue Date	Not applicable

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s)	<input checked="" type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) <i>(please identify below)</i>
<input type="checkbox"/> Petition for Extension of Time <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above		

SIGNATURE BLOCK

Date: April 26, 2005
Reg. No. 50,773
Tel. No.: (617) 570-1352
Fax No.: (617) 523-1231


Mark L. Beloborodov, Esq.
Attorney for Applicant
Goodwin Procter LLP
Exchange Place
Boston, MA 02109



PATENT
Attorney Docket No. DPL-048

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Davis *et al.* CONFIRMATION NO.: 1601
SERIAL NO.: 10/817,455 GROUP NO.: 3736
FILING DATE: April 1, 2004 EXAMINER: Not yet assigned
TITLE: NON-INVASIVE BREATH ANALYSIS USING FIELD
ASYMMETRIC ION MOBILITY SPECTROMETRY

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. In accordance with 37 C.F.R. 1.98(a)(2), only copies of the foreign patent documents and non-patent publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

STATEMENT


As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

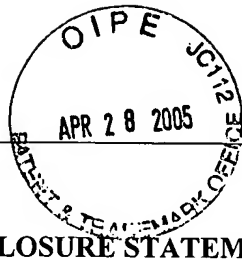
Respectfully submitted,

Date: April 26, 2005
Reg. No. 50,773

Tel. No.: (617) 570-1352
Fax No.: (617) 523-1231



Mark L. Deloborodov
Attorney For Applicants
Goodwin Procter LLP
Exchange Place
Boston, Massachusetts 02109



FORM PTO - 1449

INFORMATION DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: DPL-048

APPLICANT(S): Davis *et al*

SERIAL NO.: 10/817,455

FILING DATE: April 1, 2004

GROUP: 3736

U.S. PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A1	2002/0060290 A1	5/23/02	Pham	250	282	3/19/01
	A2	2002/0138208 A1	9/26/02	Paulse <i>et al.</i>	702	22	11/15/01
	A3	2002/0193950 A1	12/19/02	Gavin <i>et al.</i>	702	28	11/15/01
	A4	2002/0195555 A1	12/26/02	Weinberger <i>et al.</i>	250	281	3/8/02
	A5	2003/0047681 A1	3/13/03	Guevremont <i>et al.</i>	250	288	3/14/01
	A6	2003/0085348 A1	5/8/03	Megerle	250	287	10/1/01
	A7	2003/0132380 A1	7/17/03	Miller <i>et al.</i>	250	286	12/16/02
	A8	2003/0146377 A1	8/7/03	Miller <i>et al.</i>	250	286	4/12/02
	A9	2003/0208133 A1	11/6/03	Mault	600	532	6/6/01
	A10	2003/0218130 A1	11/27/03	Boschetti <i>et al.</i>	250	288	4/14/03
	A11	5,401,963	3/28/95	Sittler	250	288	11/1/93
	A12	5,420,424	5/30/95	Carnahan <i>et al.</i>	250	287	4/29/94
	A13	5,455,417	10/3/95	Sacristan	250	287	5/5/94
	A14	5,492,867	2/20/96	Kotvas <i>et al.</i>	437	228	10/7/94
	A15	5,763,876	6/9/98	Pertinardes <i>et al.</i>	250	288	4/4/96
	A16	5,789,745	8/4/98	Martin <i>et al.</i>	250	286	10/28/97
	A17	6,124,592	9/26/00	Spangler	250	287	3/18/98
	A18	6,495,823 B1	12/17/02	Miller <i>et al.</i>	250	286	7/21/99
	A19	6,512,224 B1	1/28/03	Miller <i>et al.</i>	250	286	11/12/99
	A20	6,610,977 B2	8/26/03	Megerle	250	287	10/1/01
	A21	6,627,881 B1	9/30/03	Bertrand <i>et al.</i>	250	288	11/28/00
	A22	6,639,212 B1	10/28/03	Guevremont <i>et al.</i>	250	282	8/5/99
	A23	6,653,627 B2	11/25/03	Guevremont <i>et al.</i>	250	288	3/14/01
EXAMINER				DATE CONSIDERED			



FORM PTO - 1449 INFORMATION DISCLOSURE STATEMENT				ATTORNEY DOCKET NO.: DPL-048 APPLICANT(S): Davis <i>et al</i> SERIAL NO.: 10/817,455 FILING DATE: April 1, 2004 GROUP: 3736					
U.S. PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME		CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	A24	6,675,104 B2	01/06/04	Paulse <i>et al.</i>		702	22	11/15/01	
	A25	6,690,004 B2	2/10/04	Miller <i>et al.</i>		250	286	4/12/02	
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (/N)
	B1	101 14 141 A1	09/19/02	DE			03/16/01	No	No
	B2	0 347 101 A2	06/08/89	EP			12/20/89	No	Yes
OTHER ART, JOURNAL ARTICLES, ETC.									
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
	C 1	International Search Report for International Application Serial No. PCT/US2004/010288, mailing date of August 20, 2004.							
	C2	Smith, <i>et al.</i> , "The Novel Selected-ion Flow Tube Approach to Trace Gas Analysis of Air and Breath," <i>Rapid Communications in Mass Spectrometry</i> , Vol. 10, pp. 1183-1198 (1996).							
	C3	Manolis, "The Diagnostic Potential of Breath Analysis," <i>Clinical Chemistry</i> , Vol. 29, No. 1, pp. 5-15 (1983).							
EXAMINER					DATE CONSIDERED				




PATENT
Attorney Docket No. DPL-048

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Davis *et al.*
SERIAL NO.: 10/817,455 GROUP NO.: 1601
FILING DATE: April 1, 2004 EXAMINER: Not yet assigned
TITLE: NON-INVASIVE BREATH ANALYSIS USING FIELD
ASYMMETRIC ION MOBILITY SPECTROMETRY

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of April, 2005.


Carrah M. Malone

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 page);
2. Information Disclosure Statement (2 pages);
3. Form PTO-1449 (2 pages);
4. Copies of cited references B1-B2 and C1-C3;
5. Return receipt postcard